

- (a) *At such time that a large wind energy system and a utility wind energy system is scheduled to be abandoned or discontinued, the owner shall notify the County by certified U.S. mail of the proposed date of abandonment or discontinuation of operations.*
- (b) *Within 365 days of the date of abandonment or discontinuation, the owner shall physically remove the large or utility scale wind energy system. This period may be extended at the request of the owner and at the discretion of the County. Physically remove shall include but not be limited to:*
- i. Removal of the wind turbine and tower, all machinery, equipment, equipment shelters, security barriers and all appurtenant structures from the subject property;*
 - ii. Proper disposal of all solid or hazardous materials and wastes from the site in accordance with local and state solid waste disposal regulations;*
 - iii. Restoration of the location of the wind energy conversion system to its natural preexisting condition, except that any landscaping or grading may remain in the after-condition if a written request is submitted by the landowner to the County.*
 - iv. Foundations shall be removed to a depth of four (4) feet below ground level or covered to an equivalent depth with fill material. At the time of removal, the site shall be restored to its pre-existing condition. If a written request is submitted by the landowner to the County then this requirement may be waived or altered for any other legally authorized. use Restoration shall be verified by the County.*
- b) If the wind energy conversion system, or any part thereof, is inoperable for more than 180 days and the owner fails to give such notice to the County, then the wind energy conversion system shall be considered abandoned or discontinued. The County shall determine in its decision what proportion of the wind energy conversion system is inoperable for the wind energy conversion system to be considered abandoned.*

c) Decommissioning

- i. If an applicant fails to remove a wind energy conversion system in accordance with this section of this ordinance, the County shall have the authority to enter the subject property and physically remove the facility. The County shall require the applicant, and/or subsequent owners of the property or wind energy conversion system, to provide a form of surety mutually agreeable to the applicant and the County to cover costs of the removal in the event the County must remove the facility.*
 - ii. Prior to obtaining a Certificate of Occupancy from the County and on every tenth (10th) anniversary of the commencement of the commercial operation of the Project, applicant shall provide to the County an estimate of the projected salvage value of the turbines and other equipment to be removed from the Project site ("Salvage Value"), as well as the projected cost of removing the turbines and other equipment from the site as determined by an independent engineer mutually agreeable to the applicant and County ("Gross Decommissioning Cost").*
 - iii. Based on this determination, applicant shall post and maintain decommissioning funds in an amount equal to Net Decommissioning Cost, that being Gross Decommissioning Cost minus Salvage value.*
 - iv. Decommissioning Funds may be in the form of a performance bond, surety bond, letter of credit, corporate guarantee or other form of financial assurance as may be mutually acceptable to the applicant and the county.*
 - v. The Decommissioning Funds shall be posted and maintained with a bonding company or Federal or State chartered lending institution mutually agreeable to the applicant and County.*
- d) Siting: Large wind energy systems and utility wind energy systems shall be constructed and operated in locations that minimize adverse safety and environmental impacts.**

- a. **Photo Simulations:** *The applicant shall provide photo simulations of the proposed large wind energy system and the utility scale wind energy system from at least three (3) different locations. The simulations shall show views of such simulated wind energy structures from such locations such as property lines and roadways, as deemed necessary by the County in order to assess the visual impact of the wind energy system.*
- b. **Balloon Testing:** *The applicant shall conduct balloon testing after the submission of the official application at the sites identified in the photo simulations. One balloon shall be placed at each site for at least four (4) hours. The location and type of balloon will be agreed upon by the County and the applicant. The balloon testing date and time shall be advertised.*
- c. **System Height:** *The system height shall be determined by the Board of Supervisors as part of the special use permit process. System height is defined as the vertical distance measured from average grade at the base of the tower to the highest point of the turbine rotor or tip of the turbine blade when extended to its highest elevation. The project applicant shall be required to demonstrate that the height reflects industry standards for a similarly rated wind energy conversion system.*

- d. **Wetlands: Large wind energy system and utility wind energy systems** shall be located in a manner consistent with all applicable local and state wetlands regulations.
- e. **Fish, Wildlife and Native Plant Protection:** Large wind energy systems and utility wind energy systems shall be designed, constructed, and operated without significant adverse impact to fish, wildlife, or native plant resources, including fish and wildlife habitat, migratory routes, and state or federally-listed threatened or endangered fish, wildlife, or plant species, and to meet all state and federal environmental requirements.
- f. The applicant shall conduct public information meetings to discuss their development plans and obtain community feedback. The meeting shall be held after the application submission but prior to the special use permit public hearing. The meetings shall be advertised in the local paper of record.
- g. **Compliance with Other Regulations:** Large wind energy systems and utility wind energy systems shall comply with all applicable local, state and federal regulations.
- h. **Independent Consultant Services:** Within thirty (30) days of acceptance of a complete application, the County shall submit said application to an independent consultant for review and recommendations. The cost of these services will be borne by the applicant but included in the application fee.
- i. **Proof of Liability Insurance:** The applicant shall be required to provide evidence of the availability of liability insurance in an amount sufficient to cover loss or damage to persons and structures occasioned by the failure or use of the facility. Whether or not the applicant is participating in the net metering program, the applicant will be required to meet the insurance coverage requirements set forth in 20 VAC 5-315-60.